

### **REMARKS**

In the Office Action mailed December 10, 2007, claims 1-42 were rejected. Pursuant to this reply, claims 10, 13, 14 have been canceled and claims 1, 11, 15-17, 24, 27, 28, 29-30, 32, 36-37 and 39 have been amended. Withdrawal of the rejections and reconsideration and allowance of claims 1-9, 11-12, and 15-42 are respectfully requested in view of the following remarks.

#### **Claim Objections Under 37 C.F.R. § 1.75(c)**

Claims 10-11, 13-14, 24-25, and 27-28 were objected to under 37 C.F.R. § 1.75(c) as being in improper dependent form for failing to further limit the subject matter of the previous claim. It is respectfully submitted that the cancellation of claims 10, 13, and 14 and the amendments to claims 11, 24, 27, and 28 have rendered moot the objections under 37 C.F.R. § 1.75(c). Accordingly, withdrawal of the objections is respectfully requested.

#### **Rejections Under 35 U.S.C. § 103**

Claims 1-9, 10-29, 32, 34-37, 39, and 41-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (US 2001/0018665 A1) in view of Eagle ["Distribution of Seasonal Inventory of the Hawaiian Pineapple Company" (Alan R. Eagle, Institute of Management Sciences, October 19, 1956)] or Abhyanker (US 6,915,274 B2). Claims 31, 33, 38, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sullivan in view of Eagle and in further view of Woolston (US 5,845,265). The rejections are respectfully traversed.

Independent claims 1, 15 and 36 have been amended to clarify that the seller of the purchased product is the owner of the product. The manufacturer of the product is not the seller and has no ownership interest. Yet, as recited in the claims, the manufacturer is distributed an incentive upon purchase of the product in a transaction between the seller/owner and a purchaser. As acknowledged by the examiner, Sullivan "teaches of a situation whereby manufacturers are selling products *through* a retailer." Final Office

action, p. 8. Thus, Sullivan does not disclose a situation in which a manufacturer, who is not the owner of a product, receives an incentive when the product is sold.

Neither Eagle nor Abhyanker compensate for Sullivan's deficiencies. Specifically, these references merely disclose transactions in which either the manufacturer sells directly to the customer, or the manufacturer sells to the customer through a retailer (i.e., on consignment). Thus, like Sullivan, neither reference discloses (or even contemplates) the situation in which an incentive is distributed to a manufacturer as a result of a sale of a product by an owner of the product. Accordingly, because the hypothetical combination of Sullivan with either Eagle or Abhyanker does not disclose all of the elements recited in either of claims 1 and 15, withdrawal of the rejection of independent claims 1 and 15 under 35 U.S.C. § 103(a) is respectfully requested.

Independent claim 29 has been amended to recite a computer system for tracking transactions transferring the ownership of goods between parties that are not themselves the manufacturer of the goods and calculating incentives to be paid to the manufacturer based on those transactions, and distributing incentives to the manufacturer. As discussed above, Sullivan does not teach or disclose a system in which incentives are distributed to the manufacturer when the manufacturer is not the owner of the transferred goods. Neither Eagle nor Abhyanker compensate for Sullivan's deficiencies. Accordingly, withdrawal of the rejection of claim 29 under 35 U.S.C. § 103(a) is requested.

With respect to the rejection of claims 31, 33, 38 and 40 in view of Sullivan in combination with Eagle and Woolston, claims 31 and 33 depend from independent claim 29 and claims 38 and 40 depend from independent claim 36. The patentability of independent claims 29 and 36 in view of Sullivan and Eagle have been discussed above. Like Sullivan and Eagle, Woolston discloses only the situation in which goods are sold in a consignment-type situation. Thus, Woolston also does not teach or suggest distributing an incentive to a manufacturer when the manufacturer is not the owner of the purchased product, as required by the claims. Because of this missing element, withdrawal of the rejection of the dependent claims 31, 33, 38, and 40 under 35 U.S.C. § 103(a) is respectfully requested.

The claims which depend from claims 1, 15, 29, and 36 are patentable over Sullivan in view of Eagle or Abhyanker and/or Woolston for at least the same reasons discussed above with respect to each of their base claims. Accordingly, withdrawal of the rejection of the dependent claims is respectfully requested for at least those reasons.


#### Conclusion

For the reasons specified above, claims 1-9, 11-12, and 15-42 are believed to be allowable over the cited references and in condition for allowance. Accordingly, the examiner is respectfully requested to issue a Notice of Allowance. Should the examiner feel that a telephonic interview would speed this application towards issuance, the examiner is requested to call the undersigned attorney at the telephone number provided below.

The Commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (BLU.0002US).

Respectfully submitted,

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